IN THE HIGH COURT OF JUDICATURE AT BOMBAY

ORDINARY ORIGINAL CIVIL JURISDICTION

SUMMONS FOR JUDGMENT NO.562 OF 2004

IN

SUMM.SUIT NO.343 OF 2004

Smt.Nirupa Thacker .. Plaintiff

versus

Mrs Sarita wd/o Saroj Misra & ors. Defendants

...

Mr.B.R.Zhaveri for Plaintiff.

CORAM : D.G. KARNIK, J

DATED : 29th March 2005.

P.C:-

1. Heard learned counsel for the plaintiff. None present for the defendants. However, perused the affidavit filed by the defendant no.1. The defendants has stated that the suit is barred by limitation. Suit has been based on a cheque dated 7th January, 2001. Office endorsement on the plaint shows that the plaint was lodged on 28th January, 2004 i.e. after period of three years. Hence, defence of the defendants about limitation cannot be said to be sham

or illusory. In the circumstances, defendants are granted unconditional leave to defend the suit. Suit shall stand transferred to the list of commercial causes. Defendants to file the written statement within one month.

D.G.KARNIK, J